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June 13, 2023

DELIVERED VIA ECF

Honorable Paul G. Gardephe
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 705
New York, NY 10007

Case Title: *Klauber Brothers, Inc. v. Walmart, Inc. et al.*
Re: **1:22-cv-08087-PGG**
Request to Adjourn Conference

Your Honor:

This office represents Plaintiff Klauber Brothers, Inc. ("Klauber"), in the above-referenced action. We write to respectfully request an adjournment of the initial pretrial conference, currently scheduled for June 15, 2023, at 10:00 a.m. On May 24, 2023, the Court granted Klauber's prior request to adjourn the initial pretrial conference until June 15, 2023 (Dkt. #37).

Defendant Music Legs, Inc. ("Music Legs") waived service of process effective as of June 6, 2023 (Dkt. #41). Accordingly, Music Leg's Answer to Klauber's operative Complaint is not due until July 31, 2023. We are in continued communication with counsel for Music Legs but have not yet been able to exchange and confirm potential dates and deadlines for a proposed case management plan.

In light of the foregoing, Klauber respectfully requests that the Initial Pretrial Conference currently scheduled for June 15, 2023, be adjourned until August 11, 2023, or a date thereafter convenient for the Court. This is the fifth request to adjourn the initial pretrial conference with Music Legs. The previous request was granted by the Court. (Dkt. #37). Two previous requests to adjourn the initial pretrial conference with Walmart were granted to allow time for settlement discussions with Walmart. (Dkt. #17). Defendant Music Legs consents this requested adjournment.

We thank Your Honor for your consideration of this request.

Respectfully submitted,

By: /s/ Scott Alan Burroughs
Scott Alan Burroughs
DONIGER / BURROUGHS
Attorney for the Plaintiff

IT IS SO ORDERED.

Paul G. Gardephe
Honorable Paul G. Gardephe, U.S.D.J.

The conference is adjourned to
August 10, 2023 at 10:30 a.m.
Dated: June 14, 2023